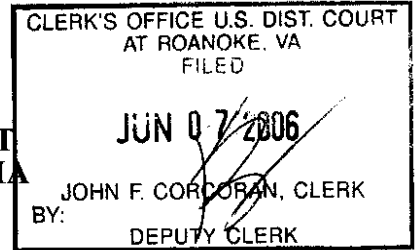


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION



STEVEN A. BURNETTE,  
Plaintiff,

v.

UNITED STATES OF AMERICA,  
Defendant.

Civil Action No. 7:06-cv-00340

**FINAL ORDER**

By: Hon. James C. Turk  
Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that this action, conditionally filed as a civil rights action, pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), shall be and hereby is **DISMISSED** without prejudice; the clerk shall remove the pleadings from this case file and docket them in Case No. 7:99-cr-00109 as a motion for compassionate release/motion for reduction of sentence; and this Bivens action is hereby closed and stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to plaintiff.

ENTER: This 6<sup>th</sup> day of June, 2006.

  
\_\_\_\_\_  
Senior United States District Judge